

Downtown Commission Meeting  
Minutes of February 12, 2010  
8:30 a.m.  
1st Floor North Conference Room - City Hall

**Present:** Vice-Chairman Dwight Butner Presiding; Councilman Jan Davis (excused from meeting at 10:06 a.m.), Mr. John D. Rogers, Ms. Kitty Love, Mr. Peter Alberice, Mr. Byron Greiner, Ms. Pamela Myers (excused from meeting at 10:04 a.m.), Mr. Guadalupe Chavarria and Mr. Michael McDonough

**Absent:** Chairman Jesse Plaster and Mr. Brad Galbraith

Vice-Chairman Butner called the meeting to order at 8:30 p.m. and informed the audience of the public hearing process.

**Administrative**

- ? Councilman Davis moved to approve the minutes of the December 11, 2009, meeting. This motion was seconded by Mr. Greiner and carried unanimously.

**Updates**

**Update on the Downtown Master Plan Implementation**

Urban Planner Alan Glines said that Ms. Vrtunski, Project Manager, was unable to attend the meeting due to illness; however, she said that the committees are still meeting and making headway. She sent out a Doodle poll about a full Action Committee meeting and will wait to hear from some members.

**Committee Updates**

The following individuals gave brief Committee updates:

- ? Vice-Chairman Butner on Downtown Management Subcommittee
- ? Councilman Davis on the Transportation and Parking Subcommittee
- ? Ms. Love on the Arts Subcommittee
- ? Mr. Rogers and Mr. Alberice on the Urban Design Subcommittee

**Downtown Association**

Mr. Greiner gave a brief update on the Downtown Association's activities.

**Pack Square**

After Ms. Myers gave a brief update, it was the consensus of the Commissioners to invite representatives from the Parks, Recreation and Cultural Arts Department, along with Mr. Guy Clerici, Chairman of the Pack Square Conservancy, and Mr. Gary Giniat, Executive Director of Pack Square Conservancy to a meeting to talk about concerns regarding permitting of Pack Square Park.

**Downtown Task Force**

Urban Planner Stephanie Monson provided an update from the Downtown Task Force's January meeting and touched on the status of various downtown projects and issues.

Ms. Cate Marvill gave a progress report on the Wayfinding Project and schedule. She shared some of the gateway locations and sign designs, which entire project should be completed on April 15. She noted that the Tourism Product Development Fund is now accepting applications for the 2010 cycle and encouraged applications by the deadline of July 9, 2010.

### **Members & Annual Report**

Urban Planner Stephanie Monson provided an update that there are three expired seats on the Commission (Chairman Plaster, Mr. Alberice and Mr. Rogers). Also, Mr. Galbraith will tender his resignation this week. At their meeting on February 9, 2010, City Council decided to interview the following people to fill the 3 positions: Bruce Hazzard, Matt Sprouse, Bill Allison, Rachel Bliss and Tony Fraga (who will not be able to attend the interview). The Commissioners discussed the merits of supporting specific individuals or general desired characteristics and skill sets. Mr. Alberice and Mr. Rogers both expressed their support of Matt Sprouse and his knowledge and experience working on downtown, urban projects. At the suggestion of Vice-Chairman Butner, Ms. Myers moved that the Commission recommend to Council that they would prefer appointments of individuals with a vested interest/strong connections to downtown and design professionals. This motion was seconded by Mr. Greiner and passed unanimously (9-0).

The Commission discussed adding Mr. Galbraith's vacant position into the current pool of applicants for filling. Councilman Davis recommended that since the resignation came after the Council met and made the interview appointments with the three specific vacancies in mind, the Commission should hold off and let the application process be re-opened, looking for a person representing the development and property owner community along with vested interest in the downtown.

### **Downtown Design Review**

#### **Art Museum Formal Design Review**

Mr. Rogers and Ms. Myers asked to be recused from this issue due to a conflict of interest.

Ms. Pam Myers, Director of the Art Museum, reviewed with the Commission the three components of the project (1) historic preservation of the historic library building; (2) renovation of the former Health Adventure space; and (3) transformation of the Pack Place corner piece into a new entrance for the Asheville Art Museum.

Mr. John Rogers said they have met with the Pack Square Conservancy and they enthusiastically approved the project. Mr. Rogers and Ms. Myers explained in detail the interior and exterior improvements, using site, interior and exterior designs. They explained the rooftop plans and the sustainability of the building. The entrances to the Diana Wortham Theatre and the Mineral Museum are shifted to an entrance down Biltmore Avenue through the passageway into the courtyard (noting the Theatre and Museum are actively pursuing re-design and re-development of the corridor into the lower courtyard). The timeline is approximately 16-18 months for completion but they cannot begin until the Health Adventure moves out. They anticipate spring of 2011 to begin the major portions of the project. There are, however, some opportunities to do some interior work prior to the major work being started. They have kept in communication with surrounding businesses throughout the project and will be hosting a breakfast meeting on March 15 for business owners in the immediate area. The business owners have been supportive about the project as it brings the key anchor to the historic corner.

Mr. Henry Watts reviewed the process for limited disruption of pedestrian and automobile traffic during the construction phase.

Ms. Myers and Mr. Watts responded to various questions/comments from the Commission, some being, but are not limited to: will the renovation allow more showing of the museum collection and allow the expansion of the educational programming; what will happen to materials that will not be recycled; what does off-hours mean for deliveries and has there been discussion with the surrounding restaurants about that; any thoughts on expanding hours of operation; and will there be a designated area for workers on this project.

Urban Planner Jessica Bernstein said that the applicant is requesting design review of plans to renovate and expand the Asheville Art Museum located at 2 South Pack Square. The proposal includes significant interior and exterior improvements but maintains the existing footprint and general site layout.

Subsequent to the relocation of the Health Adventure, the applicant is proposing partial demolition of the existing Pack Place structure (interior and façade) to construct a new area for the Art Museum expansion. There will be extensive interior renovation within the existing structure(s) resulting in more space dedicated to the Art Museum overall, with the Diana Wortham Theater and Colburn Mineral Museum remaining onsite. The resulting structure will be 4-stories in height, measuring 43' to the top of the roof (roof terrace space not included) when measured from the front plaza and 45' 6" plus the roof terrace when measured from Biltmore Avenue.

New interior spaces include administrative areas (offices, library, conference rooms), permanent and temporary galleries, multi-purpose room for lectures and small performances, a gift shop, rooftop sculpture garden/terrace and expanded holding/storage areas. The exterior of the building will be significantly altered from the current façade but the site will function similarly on the street level.

The primary pedestrian entry will remain in its current location off of South Pack Square with an exit-only on Biltmore Avenue. There are existing street trees and plantings on the northern side of the project site (adjacent to South Pack Square) that were approved as a part of the Pack Park landscape plan. Existing sidewalks along Biltmore and the plaza in front of the Museum and historic library building will remain.

The applicant is seeking modifications in order to flex a number of Unified Development Ordinance (UDO) requirements and design standards. Modifications are requested as follows:

1. **Fenestration on a Key Pedestrian Street** – Design & operational standards require that on Key Pedestrian Streets, 70% of the street level façade must be detailed and glazed as storefront. The standard is exceeded on the South Pack Square façade (85%) but is deficient along Biltmore Avenue (44%). This side elevation accommodates a slight change in grade of approximately 5 feet from north to south but of more consequence, the Colburn Mineral Museum will remain in the basement of the Art Museum and its ceiling height along this façade complicates the ability to “activate” the Biltmore Avenue frontage.

Staff understands that sloping sites in the Central Business District (CBD) frequently make compliance with this standard very difficult and will be working to address the recurring modification issue in the updated guidelines. In this situation, entirely new construction may have been able to comply with the standard; however, the need to maintain and accommodate the existing use in the basement justifies the fenestration reduction.

2. **Expanses of Solid Wall** – Per the CBD code, expanses of solid wall may not exceed 20 feet in length without an opening. Related to the modification above, the Biltmore Avenue façade has an expanse of solid wall along the majority of the street level. This is due to the slight grade change and the need to accommodate the existing use in the basement of the structure.

Similarly, this frequent modification request on sloping sites should be addressed in the updated guidelines and staff feels the departure from the requirement is justified in this case. To offset the wall, the applicant has placed pedestrian-scaled signage on this façade and incorporated a planter box along the top.

3. **Street Trees** – Landscape standards in the CBD specify that a street tree is required every 40 linear feet along a project site. There are existing street trees (and one proposed, according to DTC submitted plans) along Biltmore Avenue and both landscaping and hardscaping along the South Pack Square frontage, per the Pack Park plan, however the Biltmore Avenue frontage is deficient by one tree.

Staff evaluated the proposed site layout along with the Pack Park landscaping plan and found that although an additional street tree along Biltmore Avenue is technically required due to the length of the frontage, the placement of that tree would conflict with the existing stairs leading up into the plaza on South Pack Square and planted areas in the plaza. In order to maintain the continuity of the overall park landscaping scheme, staff recommends a modification to eliminate the one additional required street tree.

#### Design Guidelines

Due to the non-traditional design of the proposed Art Museum, there are a number of areas where the proposal deviates from the guidelines, such as base-middle-cap orientation, traditional storefront façade and building widths at the ground level and traditional distinction between street level and upper stories. Staff believes that this is acceptable because the proposal can be considered as a “landmark” project due to the location and use. The design guidelines state that innovative, landmark projects may *“depart from the guidelines where design excellence is demonstrated.”* Furthermore the guidelines state that *“there are occasions where unique designs may be appropriate that deviate from the norm and add special accent to the urban fabric.”* This proposal meets with those qualifications for a landmark project.

Consideration in the design has been given to the adjacent historic library building by referencing and continuing the horizontal lines of the library's floor levels at the ground level door height and again at the cornice. Traditional materials are included, such as glass, terracotta and limestone and the height is similar to surrounding buildings. The proposal is compatible with its context while exhibiting a contemporary, unique design.

The main principle of review for landmark projects is that *“while basic compatibility with context remains important, the DTC may approve projects that do not meet the guidelines when a condition or conditions such as the following are met: landmark building, public or institutional use, special creative design...”* Staff believes that the unique qualities of the proposal merit a departure from traditional design elements. As stated, the building references and respects adjacent structures, it develops an environment that is visually interesting for visitors and residents, it facilitates an environment that is appealing for pedestrians and it reinforces this prominent location at the center of downtown.

Staff supports the modifications based on the unique complexities of accommodating a below-ground existing use and adjacent civic park and staff supports the project's deviation from certain design guidelines based on the landmark status and innovative design.

She provided the Commissioners with the following three additional notes: (1) The project was submitted prior to the completion of the Downtown Master Plan, however staff performed a cursory review of this proposal for compliance with the DTMP and found that it appears to generally comply with standards suggested in the plan, including height with regards to both the overall height zone and referencing nearby historic structures. It appears that the proposal may not comply with the recommended requirements for streetwall and/or side step-

backs and traditional building articulation; (2) The Library Building, which fronts on South Pack Square, is designated as a local landmark. Review of this project by the Historic Resources Commission will be required to ensure there is no negative impact to the historic structure; and (3) A Memorandum of Understanding (MOU) exists between the City, the State Historic Preservation Office and the Advisory Council for Historic Preservation. This document must be reviewed by the City Attorney to ensure the proposed project activities are not in conflict with the agreements in the document, including a façade easement to protect the library building and a requirement for interpretive displays of South Pack Square's development history. An amendment to the MOU may be required.

The following individuals spoke in support of the Art Museum Project:

Mr. Ray Griffin, Art Museum Board member  
Ms. Judy Swan, downtown resident and supporter of the Art Museum  
Mr. Joe Barrett (requested a showcase bike rack)

Vice-Chairman Butner explained how this project is not a digression of what is already existing on the site.

Councilman Davis moved to approve the design review request and modifications as listed above for the Asheville Art Museum project subject to the site plans and elevations provided during this review. This motion was seconded by Mr. Greiner and carried unanimously (7-0).

At this time, Ms. Myers was excused from the meeting to attend an Arts & Culture Subcommittee meeting.

#### **Buncombe County Courthouse Life-Safety Addition – Informal Review**

Ms. Bernstein said that staff has asked the applicant to come in and give the Commission an idea of what they are looking at in terms of a life-safety addition to the Buncombe County Courthouse. Due to the uncertainty how this project will move forward, staff felt it would be appropriate for Councilman Davis to be excused from the meeting. At this time, Councilman Davis left the meeting.

Mr. Jon Creighton, Assistant Buncombe County Manager, explained the need for the life-safety addition to the Courthouse.

Mr. Keith Hargrove used site plans to provide the Commissioners with a preliminary review of the life-safety addition, along with renderings of corridor views. There are challenges of the judicial facilities design meshed in with what exists now with the Master Plan, the Dept. of Interior Guidelines and the N.C. Building Code. He explained their goals of the project, along with the scope of work. They met with the City's Fire Marshal and discussed closing Davidson Street to capture enough area for controlled access and a fire platform.

In response to Urban Planner Alan Glines, Mr. Hargrove felt that this project will come back to the Downtown Commission for formal review in March.

Mr. Hargrove responded to various questions/comments from the Commissioners, some being, but are not limited to: where will the ingress and egress be located; how will this comply with the Americans with Disabilities Act for handicapped individuals; will you be able to use the traditional front-door for entrance; why isn't the front-door of the Courthouse accessible by the public at this time; has this project been reviewed by the Historic Resources Commission; and where will the staging of materials be located.

Commission members voiced their opinions on what they liked or would recommend changing on the project.

**Public Comment**

Ms. Patti Glazer complimented the design team on the County Courthouse and offered her suggestions for a better product.

**Adjournment**

Mr. Greiner moved to adjourn the meeting at 10:42 a.m. This motion was seconded by Mr. Rogers and carried unanimously (7-0).